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JUL - 2 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 2, 2001

HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

EX PARTE OR LATE FILED

**Re: Notice of Ex Parte Presentation
Revision of the Commission's Rules to Ensure Compatibility
with Enhanced 911 Emergency Calling Systems**

CC Docket No. 94-102

Dear Ms. Salas:

Today AT&T Wireless Services, Inc. sent the attached letter to Thomas Sugrue, Chief of the Wireless Telecommunications Bureau. Pursuant to section 1.1206(b)(1) of the Commission's rules, two copies of the attached letter are being filed with the Office of the Secretary. Copies are also being served on the Commission personnel listed below.

Respectfully submitted,

Michelle M. Mundt

Michelle M. Mundt

cc: Thomas Sugrue
Kris Monteith
Blaise Scinto
Jennifer Tomchin
Philip L. Verveer

No. of Copies rec'd
List ABCDE

04/

Washington Boston New York Reston New Haven



Douglas I. Brandon
Vice President-
External Affairs & Law

July 2, 2001

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HAND DELIVERY

Mr. Thomas Sugrue
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation

**Revision of the Commission's Rules to Ensure Compatibility with Enhanced
911 Emergency Calling Systems**

CC Docket No. 94-102

Dear Mr. Sugrue:

In a recent ex parte filing,^{1/} TruePosition Inc. ("TruePosition") sought to clarify certain aspects of the test report on TruePosition's Phase II E-911 solution that AT&T Wireless Services, Inc. ("AT&T") filed in support of its request for a waiver of the Commission's Phase II E-911 location technology implementation rules. TruePosition itself states that it takes no position on AT&T's waiver request. As AT&T demonstrates below, moreover, TruePosition's proffered clarifications do not conflict with the showing AT&T has made in support of the requested waiver.

First, TruePosition points out that the test was conducted approximately eighteen months ago and TruePosition has improved its technology substantially in that time.^{2/} There can be little question that all network-based location technologies are likely to show improvement over time, particularly due to the development of new and more intelligent versions of the algorithms used to locate callers. Indeed, AT&T is confident that the network-based location technology it has chosen for its TDMA network, Mobile-Assisted Network Location System ("MNLS"), will likewise continue to improve over time because of these and numerous other factors.^{3/}

^{1/} Letter from Philip L. Verveer, Willkie, Farr & Gallagher, to Thomas Sugrue (May 30, 2001) ("TruePosition ex parte"). See also Letter from David M. Don, Willkie, Farr & Gallagher, to Magalie Roman Salas (June 19, 2001).

^{2/} TruePosition ex parte at 2.

^{3/} See Supplemental Response of AT&T Wireless Services, Inc. to Order of the Wireless Telecommunications Bureau at 6-8 (filed June 12, 2001) ("AT&T Supplemental Response").

AT&T notes, however, that the Commission's Phase II E-911 rules require wireless carriers to begin implementing Phase II E911 service as of October 1, 2001, either by preparing to provide service to 50 percent of their population upon PSAP request if they use network-based location technology or by beginning to sell and activate location capable handsets if they use handset-based technology.^{4/} AT&T therefore focused its efforts on identifying, testing, and analyzing potential location technologies so that it would be prepared to implement Phase II service as required under the FCC's rules. AT&T ultimately conducted trials of two network-overlay location technologies in Redmond during 1999-2000.^{5/} Given the Commission's deadlines, however, AT&T had to narrow the list of potential vendors so that it could move to a final selection. After analyzing the trial results, AT&T decided not to proceed to further trials with TruePosition.

Second, TruePosition argues that the Redmond area in which the trial was conducted has a challenging RF environment because of the terrain.^{6/} While Redmond does present a challenging terrain for testing, other technologies, including MNLS, were tested in this exact same environment.^{7/} Testing potential location technologies in such difficult environments is essential to ensure that they can comply with the Commission's accuracy requirements throughout AT&T's national wireless footprint, and not only in those areas that provide a "friendly" environment for network-based location technologies.

Third, TruePosition observes that "TDMA systems present the most difficult challenges for location technologies of any of the modulation techniques employed by wireless carriers."^{8/} AT&T agrees completely. As AT&T has explained, the relatively limited channel bandwidth of TDMA systems (compared with the bandwidth of other air interfaces such as CDMA and GSM) restricts the ability of TDMA systems to accurately locate wireless callers.^{9/}

Finally, TruePosition claims that the purpose of the AT&T/TruePosition technology trial in Redmond was not to test the accuracy of TruePosition's technology.^{10/} This is not correct. AT&T agreed to the Redmond trial precisely so that it could test the accuracy of TruePosition's location technology. As a matter of common sense, moreover, no wireless carrier subject to a Commission deadline that requires compliance with specific accuracy standards by a date certain

^{4/} 47 C.F.R. §§ 20.18(f) and (g).

^{5/} See AT&T Wireless Services, Inc. - Request for Waiver of the E911 Phase II Location Technology Implementation Rules at 8-9 (filed April 4, 2001) ("AT&T Waiver Request").

^{6/} TruePosition ex parte at 2.

^{7/} AT&T Waiver Request at 8-9, AT&T Supplemental Response at 3-4.

^{8/} TruePosition ex parte at 3.

^{9/} See, e.g., AT&T Waiver Request at 12.

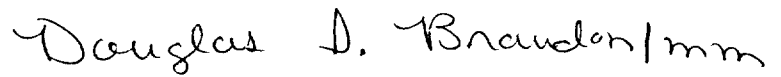
^{10/} TruePosition ex parte at 2.

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would have expended its time and resources conducting trials for any purpose other than testing the accuracy of the technology in question.

Pursuant to section 1.1206(b)(1) of the Commission's rules, two copies of this letter are being filed with the Office of the Secretary. Copies of the letter are also being served on the Commission personnel listed below.

Sincerely,

A handwritten signature in cursive script that reads "Douglas I. Brandon/mm". The signature is written in dark ink and is positioned above the printed name.

Douglas I. Brandon

cc: Kris Monteith
Blaise Scinto
Jennifer Tomchin
Magalie Roman Salas
Philip L. Verveer